

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**EMPLOYERS AND OPERATING
ENGINEERS LOCAL 520 PENSION
FUND, et al.,**

Plaintiffs,

No. 3:13-cv-00028-DRH-SCW

v.

A & K RENTALS, LLC,

Defendant.

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Now before the Court is plaintiffs' certificate of compliance with local rule 55.1. A review of the motion indicates that plaintiffs did not fully comply with Local Rule 55.1 in filing the motion. The Court notes that Local Rule 55.1(a) requires the moving party to: (1) "give notice of the entry of default to the defaulting party by regular mail sent to the last known address of the defaulted party," and (2) certify to the Court that notice has been sent." Further, Local Rule 55.1(b) requires that the motion seeking default judgment "shall contain a statement that a copy of the motion has been mailed to the last known address of the party from whom default judgment is sought. If the moving party knows, or reasonably should know, the identity of an attorney thought to represent the defaulted party, the motion shall also state that a copy has been mailed to that attorney."

Here, it appears to the Court that plaintiffs did not follow the local rules in filing the motion for default judgment. Local Rule 55.1 requires that notice must be mailed to the last known address of the party from whom default judgment is sought. It also requires that if the moving party knows or has reason to know the identity of an attorney thought to represent the defaulted party, the motion shall state that a copy has been mailed to that attorney. **Further, the attorney for the moving party must certify, as an officer of the court, that he or she does not have knowledge that the defaulted party is represented by counsel for any matter whatsoever and there is no counsel to whom the motion can be mailed.** This procedure was not followed in this case. Accordingly, the Court **ALLOWS** plaintiffs to file an additional supplement to the motion for default on or before June 28, 2013.

IT IS SO ORDERED.

Signed this 18th day of June, 2013.

 David R.
Herndon
2013.06.18
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**Chief Judge
United States District Court**